

AMENDED IN ASSEMBLY APRIL 15, 2010

AMENDED IN ASSEMBLY APRIL 5, 2010

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

## ASSEMBLY BILL

**No. 2135**

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**Introduced by Assembly Member De La Torre**

February 18, 2010

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An act to add Article 1 (commencing with Section 1250) to Chapter 2 of Part 4 of Division 2 of the Labor Code, relating to employment.

### LEGISLATIVE COUNSEL'S DIGEST

AB 2135, as amended, De La Torre. Home delivery—~~employees~~ *entities*: registration.

Under existing law, the Labor Commissioner is the chief of the Division of Labor Standards Enforcement and is charged with the responsibility of enforcing the state's labor laws not specifically vested in any other officer, board, or commission.

This bill would require an entity that ~~employs or uses a person or persons~~ *an independent contractor* for purposes of home deliveries, *where the delivery person has access to the home*, to register with the Labor Commissioner and would require the Labor Commissioner to conduct an investigation, including a criminal background check by the Department of Justice, of all persons identified by the applicant for registration as persons who would be engaged in home deliveries, ~~and to be satisfied that such persons do not pose a criminal risk in connection with home deliveries~~ *with access to the home* and *determines* that the ~~employer applicant~~ *applicant* has not previously violated these provisions before registering or renewing the registration of an entity. The bill would require the Labor Commissioner to adopt regulations to implement

these registration requirements, including the determination of fees that applicants for registration must pay to defray the costs of administering the registration program.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

SECTION 1. Article 1 (commencing with Section 1250) is added to Chapter 2 of Part 4 of Division 2 of the Labor Code, to read:

Article 1. Home Delivery Employees

1250. (a) Any individual, association, corporation, or other entity that ~~employs or~~ uses, either directly or indirectly through third persons, a person or persons *as an independent contractor or contractors, within the meaning set forth in Section 2750.5*, for purposes of home deliveries, *where the delivery person has access to the home*, shall register annually with the Labor Commissioner pursuant to this section.

(b) The Labor Commissioner shall not register or renew the registration of an applicant for registration unless the Labor Commissioner, ~~following~~ *completes* an investigation thereof, including a criminal background check by the California Department of Justice of all persons identified by the applicant as persons who would be engaged in home deliveries, ~~is satisfied that such persons do not pose a criminal risk in connection with home deliveries and~~ *and would have access to the home, and determines that the employer applicant* has not previously violated this article.

(c) (1) The Labor Commissioner shall adopt regulations to implement the registration requirements of this article.

(2) Each application for initial registration shall be accompanied by a fee determined by the Labor Commissioner by regulation in an amount sufficient in the aggregate to defray the division's costs of administering the registration program.